

ORIGINAL

DAF
clm

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED

UNITED STATES OF AMERICA, IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

★ AUG 03 2005 ★

ORDER

-VS-

J.F.
BROOKLYN OFFICE

CR-90-446(s-1)(FB)

Vittorio Amuso ,

Defendants.

On July 29, 2005 the defendant filed a pro se application requesting a certificate of appeal ability so he may obtain permission from the Court of Appeals to file a successive petition pursuant to Blakely. The Supreme Court is it's decision has made it clear that this new ruling is not to be applied retroactively. Accordingly it is

HEREBY ORDERED that pro se defendant's application is DENIED.

SO ORDERED.

UNITED STATES DISTRICT JUDGE

DATED: Brooklyn, N.Y.
August 2, 2005